

REMARKS

Claims 44-49 and 52-60 have been amended. Applicants reserve the right to pursue the original claims and other claims in this application and in other applications.

Claim 60 stands objected to as being a substantial duplicate of claim 57. Although Applicants respectfully disagree that original claim 60 was a substantial duplicate of claim 57, Applicants have amended claim 60 to address the concerns raised in the Office Action. Accordingly, the objection should be withdrawn.

Claims 44-49, 53 and 55 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants respectfully traverse the rejection. Claims 44-49, 53 and 55 have been amended to address the concerns raised in the Office Action. Accordingly, the rejection should be withdrawn and the claims allowed.

Claims 44-49 and 52-56 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lipps in view of Fenner and Suzuki. The rejection is respectfully traversed.

The claimed invention according to claims 44-49 and 52-60 has the following common features/limitations: (a) there is a single prescribed appearance position and a plurality of prescribed disappearance positions on a display screen; (b) the invention displays a first command mark on the display screen, which is blown out from a single prescribed appearance position in accordance with a rhythm of music, moves from the single prescribed appearance position to a first position of the prescribed disappearance positions, and is drawn into the first position, in order to display a first command to be carried out; (c) the invention displays a second command mark on the display screen, which is blown out from the single prescribed appearance position in accordance with a

rhythm of music, moves from the single prescribed appearance position to a second position of the prescribed disappearance positions, and is drawn into the second position, in order to display a second command to be carried out; (d) the first position and the second position are different from each other; and (e) the first command and the second command are different from each other.

For example, claim 44 recites a game apparatus operated by a motion of a game player. The apparatus comprises a “position detector for detecting a trace of the operation by the game player, the trace being made by connecting successive spatial positions of the operation” and a display unit that is “configured to display a first command mark on a display screen, which is blown out from a single prescribed appearance position in accordance with a rhythm of music, moves from the single prescribed appearance position to a first position of a plurality of prescribed disappearance positions, and is drawn into the first position, in order to display a first command to be carried out.” Moreover, the display unit is “configured to display a second command mark on the display screen, which is blown out from the single prescribed appearance position to a second position of said plurality of prescribed disappearance positions, and is drawn into the second position, in order to display a second command to be carried out.” According to the claim, “the first position and the second position [are] different from each other and the first command and the second command [are] different from each other.” Applicants respectfully submit that the cited combination fails to disclose, teach or suggest these claim limitations.

Lipps discloses a video gaming apparatus that simulates the game of baseball. More specifically, Lipps discloses an apparatus that detects whether a baseball bat 46 passes through a specific spatial area and the timing with which the bat passes through the area. As noted in the Office Action, Lipps fails to teach or suggest capturing successive spatial positions of an operational device to create a trace of the

operational device movements. Office Action at page 5. Applicants respectfully submit that Lipps further fails to teach or suggest any of limitations (a) to (e) described above. Specifically, Lipps fails to teach or suggest the use of command marks in the manner claimed and set forth above.

To overcome some of the deficiencies of the Lipps reference, the Office Action has relied on Fenner as teaching “capturing successive spatial positions of an operational device to create a trace of the operational device movements.” Fenner discloses a remotely controllable position indicator system that determines the relative position and orientation of at least one mobile object and one static object. Fenner’s disclosure is directed to systems such as video games. In a video game, it may be important to determine the relative position and orientation of one or mobile objects (e.g., one or more guns) with respect to a static object (e.g., a display screen). See column 1, lines 7-21. Fenner, therefore discloses a detection system capable of detecting multiple objects with respect to a specific reference point. See, e.g., column 8, line 17 – column 9, line 67.

Fenner, however, also fails to teach or suggest any of limitations (a) to (e) described above. Specifically, Fenner fails to teach or suggest the use of command marks in the manner claimed and set forth above. This fact is acknowledged in the Office Action at page 6. To overcome the deficiencies of the Lipps and Fenner combination, the Office Action cites to Suzuki. Applicants respectfully submit that Suzuki also fails to teach or suggest any of limitations (a) to (e) described above. As such, the cited combination must also fail to teach or suggest these claim limitations.

As set forth in prior Amendments, Suzuki discloses a dance game apparatus. Suzuki discloses a command mark but does not disclose the use of a detection system for detecting at least one object with respect to a plurality of positions. To the contrary,

Suzuki teaches a game machine providing a player with a plurality of command marks that are respectively blown out from a plurality of prescribed appearance positions, respectively move from the plural prescribed appearance positions to a plurality of prescribed disappearance positions, and are respectively drawn into the plural prescribed disappearance positions. The plural command marks have different commands associated with each other.

The different commands depend upon the plural prescribed appearance positions, for example, (1) the command M1 indicating a left arrow must be blown out from the most left prescribed appearance position S1 and be drawn into the most left prescribed disappearance position; (2) the command (if any) indicating a down arrow must be blown out from the second prescribed position S2 and be drawn into the second prescribed disappearance position; (3) the command M3 indicating an up arrow must be blown out from the third prescribed position S3 and be drawn into the third prescribed disappearance position; and (4) the command (if any) indicating a right arrow must be blown out from the most right prescribed position S4 and be drawn into the most right prescribed disappearance position (see FIG. 9 in Suzuki).

Thus, Suzuki does not teach or suggest any of limitations (a) to (e) of the claimed invention. These limitations appear in all of claims 44-49 and 52-56 in one form or another. Accordingly, the rejection should be withdrawn and claims 44-49 and 52-56 allowed.

In view of the above, Applicants believe the pending application is in condition for allowance.

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